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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TAMURA et al.

Atty. Ref.: 159-62

Serial No. 09/702,878

Group: 1646

Filed: November 1, 2000

Examiner: Cook, Lisa V.

For: METHOD FOR DETERMINING CRP USING PHOSPHORYLCHOLINE

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May 28, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE

Responsive to the Official Action dated March 27, 2002, the applicants elect, with traverse, the subject matter the Examiner's Group I for further prosecution of the above.

As explained to the Examiner during a teleconference with the undersigned on May 15, 2002, the restriction requirement should be withdrawn as the Examiner's indicated Groups of subject matter do not define separately patentable inventions. Specifically, the present invention provides a new method for determining a concentration of CRP, which had been difficult to determine before the present invention by methods of the prior art using only an antibody against CRP. The present invention is based on the finding that CRP binds to PC. Claim 1 of the present application defines a method for determining the concentration of CRP using labeled PC. Claim 3 of the present application, which the Examiner believes defines a separately patentable

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invention, is an embodiment where a sample containing CRP is first reacted with the immobilized anti-CRP antibody, and then the CRP bound to the antibody is reactive with a labeled PC. Claim 3 is an applied method therefore utilizing the well-known sandwich method. The applicants submit that it is common technical knowledge that an antibody against a targeted protein can be used in a sandwich-type assay. In view of these facts, the undersigned discussed with the Examiner the applicants belief that claim 3, for example, of the Examiner's Group II is a specific embodiment of claim 1, utilizing the technical idea described in claim 1 (i.e. determining a concentration of CRP using labeled PC). Moreover, claim 3 is a preferred embodiment disclosed in the present specification (see, Figure 1B).

In view of the above, the applicants submit that the pending claims are based on the same technical improvement provided by the present disclosure and thus the claims of the present application define a single invention.

It is the undersigned's understanding from the Examiner's telephone message of May 22, 2002, that the restriction requirement will be withdrawn in response to the present paper. In the event that this is an incorrect understanding, the Examiner is again requested to contact the undersigned to discuss the same.

Withdrawal of the restriction requirement and an examination on the merits of all the claimed subject matter are requested.

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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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